



MEMORANDUM

Date: February 28, 2013

To: Senator HASKELL of Cumberland
Representative SHAW of Standish

From: Chandler Woodcock, Commissioner

Subject: Letter regarding L.D. 86 in lieu of testimony.

Dear Committee Members,

LD 86 resolves that the Department of Inland Fisheries and Wildlife modify its procedures for notifying the public of proposed rulemaking, public hearings, and other proposals by expanding the use of electronic communication, including the use of e-mail and social networking websites for the purpose of increasing public participation and engagement, increasing staff efficiency and making the process more inclusive.

Rulemaking and public hearings are governed by Title 5 (Administrative Procedures Act) which requires very specific steps to occur to be in compliance, including advertising in the Secretary of State's rulemaking ad. The Secretary of State also advertises the rule in the State's 5 largest daily newspapers. There is little we can do to modify these requirements. We also maintain a list of people who are interested in our rulemaking activities and send them notices.

Through a system called Gov Delivery we can and do email more than 160,000 people. We can also customize that e-mail to send it to fishing license holders, hunting license holders, or any other unique segment of the population who have an interest in or who have requested to receive informational notifications from the department. This is a very efficient way to make people aware of upcoming changes or other important information relating to the department when user groups may be interested.

Implementing the use of social networking sites could be problematic. We have multiple staff within the agency that administers social networking sites. While we can post notice of public hearings on our Facebook page, we would require that any comments being submitted for the record, be done so, in writing to the agency contact person. It would also be inappropriate to engage with a group on a social network site when others from the public may not. Because social media is as personal or as anonymous as anyone



wants to make it, taking comment or even opening up a discussion on any topic is of little use at this point because of the lack of reliability with respondents.

The department would oppose this resolve because we are already utilizing email and electronic means to make the public more aware of the department's work. Title 5 requires the department to appoint a liaison/agency contact person for all rulemaking. That position is within the commissioner's office and currently has no responsibility for the agency's social networking activities. So trying to manage public comments regarding rulemaking on these sites would be problematic.

If you have any additional questions or concerns please feel free to contact Christl Theriault, Assistant to the Commissioner at 287-1197 or Becky Orff, Secretary in the Commissioner's Office at 287-5202.